

Patent No. 6,777,241
Request for Cert. of Correction dated January 4, 2005
Attorney Docket No. 4521-011622

Co/c

10/009226



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 6,777,241 | Confirmation No. 5569
Inventors : Naumann et al.
Issued : August 17, 2004
Title : Method For Diagnosing TSE-Induced Changes
In Tissues Using Infrared Spectroscopy
Examiner : Yelena G. Gakh
Customer No. : 28289

Certificate
JAN 14 2005
of Correction

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR PTO MISTAKE (37 C.F.R. 1.322(a))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Decision and Certificate of Correction Branch
Patent Issue Division

Sir:

In accordance with 35 U.S.C. §254, we attach hereto Form PTO/SB/44 and a copy of proof of PTO errors and request that a Certificate of Correction be issued in the above-identified patent. The following errors appear in the patent as printed:

Face of Patent, See Item (22) "PCT filed: Mar. 5, 2000" should read --**May 3, 2000**--
(See the "PCT Notification of Transmittal of Copies of Translation of the International Preliminary Examination Report" dated 18 December 2001.)

Face of Patent, See Item (75) Inventors: "Elizabeth Baldauf, Dallgow (DE); and Michael Beekes, Dallgow (DE)" should read: --Elizabeth Baldauf, **Falkensee** (DE) and Michael Beekes, **Falkensee** (DE)--

(The third and fifth named inventors' towns of residence are incorrect. See the Official Filing Receipt dated 03/28/2002.)

Face of Patent, See Item (56) References Cited, Column 2, under OTHER PUBLICATIONS, first article by Choo et al., line 3, "Biospectroscopy" should read --**Biospectroscopy**--

(See Form PTO-892 accompanying the Office Action dated 12/31/2003. This was a typographical error by the Examiner.)

Face of Patent, See Item (56) References Cited, Column 2, under OTHER PUBLICATIONS, second article by Budinova al., line 3, "433 445" should read --**443--445**--

(See Form PTO-892 accompanying the Office Action dated 12/31/2003. This was a typographical error by the Examiner.)

JAN 18 2005

Face of Patent, See Item (56) References Cited, Column 2, under OTHER PUBLICATIONS, third article by Caughey et al., "Scrapic-Associated" should read --**Scrapie**-Associated--

(See Information Disclosure Statement of 07/15/2002, Form PTO-1449, page 1 of 6, Reference AQ.)

Face of Patent, **Page 2**, Column 1, under OTHER PUBLICATIONS, first article to Helm et al., line 2, "Spectra Libraries" should read --**Spectral** Libraries--

(See Information Disclosure Statement of 07/15/2002, Form PTO-1449, page 2 of 6, Reference AS.)

Face of Patent, **Page 2**, Column 1, under OTHER PUBLICATIONS, third article to Schmerr et al., line 2, "sheep Using" should read --**Sheep** Using--

(See Information Disclosure Statement of 07/15/2002, Form PTO-1449, page 3 of 6, Reference AR.)

Face of Patent, **Page 2**, Column 1, under OTHER PUBLICATIONS, seventh and last article to Otto et al., line 1, "Creutzfeldz-Jacob" should read --**Creutzfeldt**-Jakob--

(See Information Disclosure Statement of 07/15/2002, Form PTO-1449, page 4 of 6, Reference AS.)

Face of Patent, **Page 2**, Column 2, under OTHER PUBLICATIONS, first article to Zerr et al., line 2, "Creutz-Jakob" should read --**Creutzfeldt**-Jakob--

(See Information Disclosure Statement of 07/15/2002, Form PTO-1449, page 5 of 6, Reference AQ.)

Face of Patent, **Page 2**, Column 2, under OTHER PUBLICATIONS, second article to Zerr et al., line 3, "*The Lance*" should read --***The Lancet*** --

(See Information Disclosure Statement of 07/15/2002, Form PTO-1449, page 5 of 6, Reference AQ.)

Face of Patent, **Page 2**, Column 2, under OTHER PUBLICATIONS, second article to Otto et al., line 2, "*Journals of Neuro Virology*" should read

--***Journal*** of Neuro Virology --

(See Information Disclosure Statement of 07/15/2002, Form PTO-1449, page 5 of 6, Reference AR.)

Face of Patent, **Page 2**, Column 2, under OTHER PUBLICATIONS, third article to

Safar et al., line 1, "Eight Prion Have" should read --Eight Prion **Strains** Have--

(See Information Disclosure Statement of 07/15/2002, Form PTO-1449, page 5 of 6, Reference AS.)

Face of Patent, **Page 2**, Column 2, under OTHER PUBLICATIONS, fifth article to Lasch et al., line 2, "SPEC" should read --**SPIE**--

(See Information Disclosure Statement of 07/15/2002, Form PTO-1449, page 6 of 6, Reference AR.)

Face of Patent, **Page 2**, Column 2, under OTHER PUBLICATIONS, sixth and last article to Choo et al., line 2, "Synchrotron Pourier" should read --Synchrotron **Fourier**--

(See Information Disclosure Statement of 07/15/2002, Form PTO-1449, page 6 of 6, Reference AS.)

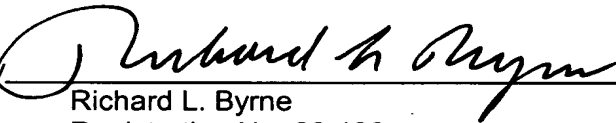
Column 2, line 36, before the paragraph beginning "It is an object of this invention",
add the title --SUMMARY OF THE INVENTION--
(See Preliminary Amendment dated 11/08/2001, page 2)

Column 7, line 51, Claim 1, "encenhalopathies" should read
--encephalopathies--
(See Amendment dated 03/30/2004, page 3, Claim 11, line 2. Claim 11 issued as
Claim 1.)

Column 7, line 53 Claim 1, "encegalopathies (BSE," should read
--encephalopathies (BSE)--
(See Amendment dated 03/30/2004, page 3, Claim 11, line 3. Claim 11 issued as
Claim 1.)

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By 
Richard L. Byrne
Registration No. 28,498
Attorney for Registrants
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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 6,777,241 *B1*
DATED : August 17, 2005
INVENTOR(S) : Naumann et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Face of Patent, See Item (22) "PCT filed: Mar. 5, 2000" should read --**May 3, 2000**--

Face of Patent, See Item (75) Inventors: "Elizabeth Baldauf, Dallgow (DE); and Michael Beekes, Dallgow (DE)" should read: --Elizabeth Baldauf, **Falkensee** (DE) and Michael Beekes, **Falkensee** (DE)--

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Face of Patent, **Page 2**, Column 1, under OTHER PUBLICATIONS, third article to Schmerr et al., line 2, "sheep Using" should read --**Sheep** Using--

{W0161109.1}

MAILING ADDRESS OF SENDER:

The Webb Law Firm
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818

PATENT NO. 6,777,241

No. of additional copies



This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JAN 18 2005

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 6,777,241 ^{B1}
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 INVENTOR(S) : Naumann et al.

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Face of Patent, Page 2, Column 2, under OTHER PUBLICATIONS, fifth article to Lasch et al., line 2, "SPEC" should read --**SPIE**--

{W0161109.1}

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PATENT NO. 6,777,241

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This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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JAN 18 2005

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 6,777,241 ⁶¹
DATED : August 17, 2005
INVENTOR(S) : Naumann et al.

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Column 7, line 53 Claim 1, "encegalopathies (BSE," should read --encephalopathies (BSE)--

{W0161109.1}

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PATENT NO. 6,777,241

No. of additional copies



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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 18 2005

PATENT COOPERATION TREATY

PCT
NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU OF PATENT COOPERATION

To:

Dr. Dr. W. Wablat
Patentanwalt

0.2 Jan. 2002

WABLAT, Wolfgang
 Potsdamer Chaussee 48
 D-14129 Berlin
 ALLEMAGNE

Date of mailing (day/month/year) 18 December 2001 (18.12.01)	IMPORTANT NOTIFICATION International filing date (day/month/year) 03 May 2000 (03.05.00)
Applicant's or agent's file reference RKO - 15 626 WO	
International application No. PCT/DE00/01404	
Applicant ROBERT-KOCH-INSTITUT et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AU,CA,CN,JP,KP,KR,NZ,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer Sangeeta JAIYA Telephone No. (41-22) 338.83.38
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/009,226	03/06/2002	3736	510	2364-011622	5	20	1

Richard L Byrne
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818



CONFIRMATION NO. 5569

FILING RECEIPT



OC00000007677531

Date Mailed: 03/28/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Dieter Naumann, Berlin, GERMANY;
Janina Kneipp, Berlin, GERMANY;
Elizabeth Baldauf, Falkensee, GERMANY;
Peter Lasch, Berlin, GERMANY;
Michael Beekes, Falkensee, GERMANY;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A.371 OF PCT/DE00/01404 03/05/2000

Foreign Applications

GERMANY 199 23 811.1 05/20/1999

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

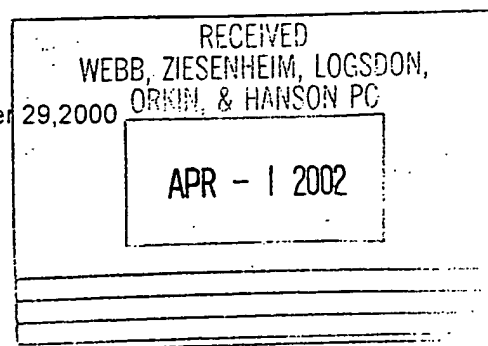
Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Method for diagnosing tse-induced changes in tissues using infrared spectroscopy





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,226	03/06/2002	Dieter Naumann	2364-011622	5569

7590 12/31/2003
Richard L Byrne
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818



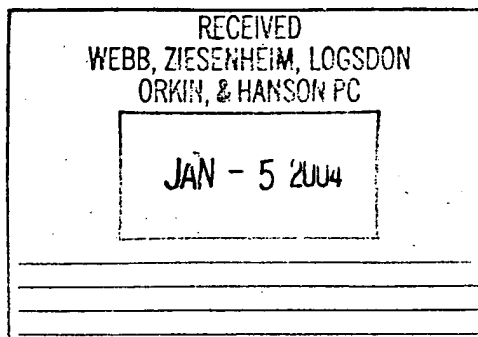
EXAMINER
GAKH, YELENA G

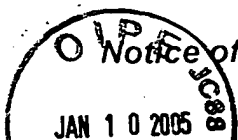
ART UNIT PAPER NUMBER

1743

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



 Notice of References Cited	Application/Control No. 10/009,226	Applicant(s)/Patent Under Reexamination NAUMANN ET AL.	
	Examiner Yelena G. Gakh, Ph.D.	Art Unit 1743	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,399,314	06-2002	Krishnamurthy, Girija	435/7.1
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Choo et al. "Infrared spectra of human central nervous system tissue: diagnosis of Alzheimer's disease by multivariate analyses", Biospectroscopy, 1995, v. 1, No. 2, pp. 141-148, Abstract
	V	Budinova et al. "Utilization of infrared spectroscopy in the study of human tissues", Chemicke Listy, 1996, v. 90, No. 7, pp. 433-445, Abstract
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



PATENT APPLICATION
Serial No. 10/009,226
Atty. Docket No. 2364-011622

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No. 5569 :
Group Art Unit 3736 :
In re application of : METHOD FOR DIAGNOSING
Dieter NAUMANN et al. : TSE-INDUCED CHANGES IN
Serial No. 10/009,226 : TISSUES USING INFRARED
Filed March 6, 2002 : SPECTROSCOPY

Pittsburgh, Pennsylvania
July 15, 2002

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

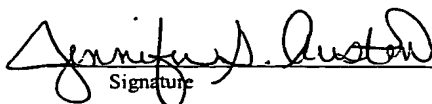
Pursuant to the requirements of 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicants hereby submit this Information Disclosure Statement, which includes a completed Form PTO-1449.

This application is in the national phase of International Application No. PCT/DE00/01404, filed May 3, 2000, which corresponds with German Patent Application No. 199 23 811.1, filed May 20, 1999.

The references identified on Form PTO-1449 were cited in the text of the specification of the above-identified application or in the International Search Report for the

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on July 15, 2002.

Jennifer S. Austen
(Name of Person Mailing Correspondence)


Signature

07/15/2002
Date

international application. Copies of the International Search Report and references cited therein are not enclosed because the Notification of Acceptance of Application under 35 U.S.C. § 371 and 37 C.F.R. §§ 1.494 or 1.495, dated March 28, 2002, indicated that the International Search Report and references cited therein were received by the United States Patent and Trademark Office. The degree of relevance for each reference is as indicated in the International Search Report. Copies of the references cited in the specification are enclosed.

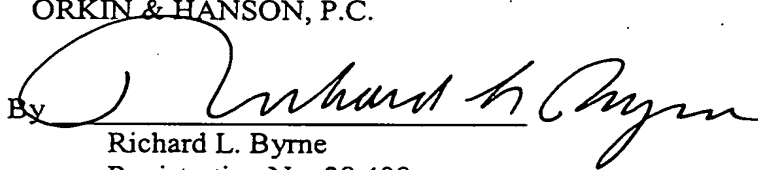
In the Reasoned Statement under Act 35(2) in the International Preliminary Examination Report, claims 1-10 have been considered to be novel, have an inventive step, and have industrial applicability. A courtesy copy of the International Preliminary Examination Report is also enclosed.

Pursuant to 37 C.F.R. § 1.97(b)(3), no fee is believed to be due for the submission of this Information Disclosure Statement as it is being submitted before the mailing date of a first Office Action on the merits. However, the Commissioner for Patents is hereby authorized to charge any fees which may be required to Deposit Account No. 23-0650. One (1) original and two (2) copies of this Information Disclosure Statement are enclosed.

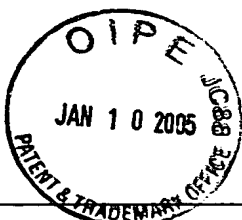
Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By



Richard L. Byrne
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Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone No. 412.471.8815
Facsimile No. 412.471.4094
E-mail webblaw@webblaw.com



FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. 2364-011622	SERIAL NO. 10/009,226
	APPLICANT(S) Dieter NAUMANN et al.	
	FILING DATE March 6, 2002	GROUP ART UNIT 3736

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5	7	3	4	5	8	7	03/31/1998	Backhaus et al.	364	498	
	AB	5	1	6	8	1	6	2	12/01/1992	Oong et al.	250	339	
	AC	5	0	3	8	0	3	9	08/06/1991	Wong et al.	250	339	
	AD												
	AE												
	AF												
	AG												
	AH												
	AI												
	AJ												
	AK												

FOREIGN PATENT DOCUMENTS

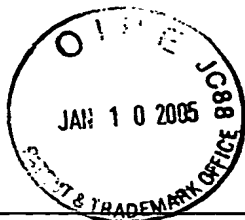
		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
													YES	NO
	AL	19	8	4	1	2	1	7	04/29/1999	Germany				x
	AM													
	AN													
	AO													
	AP													

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AQ		Caughy et al., "Secondary Structure Analysis of the Scrapie-Associated Protein PrP 27-30 in Water by Infrared Spectroscopy," <u>Biochemistry</u> , Vol. 30, No. 31, pp. 7672-7680, May 1991.
	AR		Goodacre et al., "Rapid Identification of <i>Streptococcus</i> and <i>Enterococcus</i> Species Using Diffuse Reflectance-Absorbance Fourier Transform Infrared Spectroscopy and Artificial Neural Networks," <u>FEMS Microbiology Letters</u> , Vol. 140, pp. 233-239, 1996.
	AS		Kneipp et al., "Detection of Pathological Molecular Alterations in Scrapie-Infected Hamster Brain by Fourier Transform Infrared (FT-IR) Spectroscopy," <u>Biochimica et Biophysica Acta</u> , Vol. 1501, pp. 189-199, 2000.

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Sheet 2 of 6FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
2364-011622SERIAL NO.
10/009,226INFORMATION DISCLOSURE STATEMENT
STATEMENT BY APPLICANTAPPLICANT(S)
Dieter NAUMANN et al.

(Use several sheets if necessary)

FILING DATE
March 6, 2002GROUP ART UNIT
3736

U.S. PATENT DOCUMENTS

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	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
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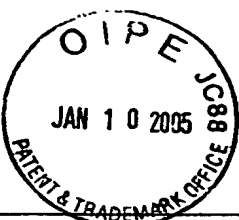
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AQ	Naumann, "Infrared and NIR Raman Spectroscopy in Medical Microbiology," <u>SPIE</u> , Vol. 3257, pp. 245-255.
	AR	Diem et al., "Infrared Spectroscopy of Cells and Tissues: Shining Light onto a Novel Subject," <u>Applied Spectroscopy</u> , Vol. 53, No. 4, pp. 148A-161A, 1999.
	AS	Helm et al., "Elaboration of a Procedure for Identification of Bacteria Using Fourier-Transform IR Spectral Libraries: A Stepwise Correlation Approach," <u>J. of Micro. Methods</u> , Vol. 14, pp. 127-142, 1991.

EXAMINER

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Sheet 3 of 6FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
2364-011622SERIAL NO.
10/009,226INFORMATION DISCLOSURE STATEMENT
STATEMENT BY APPLICANTAPPLICANT(S)
Dieter NAUMANN et al.

(Use several sheets if necessary)

FILING DATE
March 6, 2002GROUP ART UNIT
3736

U.S. PATENT DOCUMENTS

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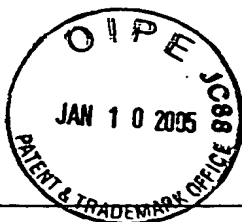
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AQ	Helm et al., "Classification and Identification of Bacteria by Fourier-Transform Infrared Spectroscopy," <u>Journal of General Microbiology</u> , Vol. 137, pp. 69-79, 1991.
	AR	Schmerr et al., "A Diagnostic Test for Scrapie-Infected Sheep Using a Capillary Electrophoresis Immunoassay With Fluorescent-Labeled Peptides," <u>Electrophoresis</u> , Vol. 19, pp. 409-414, 1998.
	AS	Zerr et al., "Protein 14-3-3," <u>The New England Journal of Medicine</u> , p. 874, 1997.

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	AQ	Zerr et al., "Detection of 14-3-3 Protein in the Cerebrospinal Fluid Supports the Diagnosis of Creutzfeldt-Jakob Disease," <u>American Neurological Association</u> , Vol. 43, No. 1, pp. 32-40, 1998.
	AR	Otto et al., "S-100 Protein Concentration in the Cerebrospinal Fluid of Patients with Creutzfeldt-Jakob Disease," <u>J. Neurol.</u> , Vol. 244, pp. 566-570, 1997.
	AS	Otto et al., "Diagnosis of Creutzfeldt-Jakob Disease by Measurement of S100 Protein in Serum: Prospective Case-Control Study," <u>Brit. Med. Journal</u> , Vol. 316, pp. 577-582, 1998.

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	AQ	Zerr et al., "Cerebrospinal Fluid Concentration of Neuron-Specific Enolase in Diagnosis of Creutzfeldt-Jakob Disease," <u>The Lancet</u> , Vol. 345, pp. 1609-1610, 1995.
	AR	Otto et al., "Elevated Levels of Serum S100 Beta Protein in Scrapie Hamsters," <u>Journal of NeuroVirology</u> , Vol. 4, pp. 572-573, 1998.
	AS	Safar et al., "Eight Prion Strains Have PrP ^{Sc} Molecules with Different Conformations," <u>Nature Medicine</u> , Vol. 4, No. 10, pp. 1157-1165, 1998.

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	APPLICANT(S) Dieter NAUMANN et al.	
	FILING DATE March 6, 2002	GROUP ART UNIT 3736

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	AQ		Lasch et al., "FT-IR Microspectroscopic Imaging of Human Carcinoma Thin Sections Based on Pattern Recognition Techniques," <u>Cellular and Molecular Biology</u> , Vol. 44, No. 1, pp. 189-202, 1998.
	AR		Lasch et al., "Imaging of Human Colon Carcinoma Thin Sections by FT-IR Microspectrometry," <u>SPIE</u> , Vol. 3257, pp. 187-198, 1998.
	AS		Choo et al., "In Situ Characterization of β -Amyloid in Alzheimer's Diseased Tissue by Synchrotron Fourier Transform Infrared Microspectroscopy," <u>Biophysical Journal</u> , Vol. 71, pp. 1672-1679, 1996.

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PATENT APPLICATION/PCT
Attorney Docket No. 2364-011622

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Dieter NAUMANN :
Janina KNEIPP :
Elizabeth BALDAUF :
Peter LASCH :
Michael BEEKES :
International Application :
No. PCT/DE00/01404 :
International Filing Date :
03 May 2000 :
Priority Date Claimed :
20 May 1999 :
Serial No. Not Yet Assigned :
Filed Concurrently Herewith :

Pittsburgh, Pennsylvania
November 8, 2001

PRELIMINARY AMENDMENT

Box PCT
Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to initial examination, please amend the above-identified patent application as follows:

IN THE SPECIFICATION:

Please insert and delete section headings and amend specification paragraphs as follows. (Pursuant to 37 CFR 1.121, marked-up versions of the amended specification paragraphs are attached.)

On page 1, before the title, please delete the section heading "Description".

On page 1, after the title, at line 6, please insert the following section headings:

BACKGROUND OF THE INVENTION

1) Field of the Invention

Before the paragraph beginning at page 1, line 12, please insert the following section heading:

2) Brief Description of the Prior Art

Before the paragraph beginning at page 4, line 1, please insert the following section heading:

SUMMARY OF THE INVENTION

Please replace the paragraph beginning at page 4, line 1, with the following rewritten paragraph:

It is thus the problem of this invention to provide a method for detecting TSE-induced pathologic changes in tissues. Said changes may be caused by scrapie, BSE, or any other of the TSE diseases. This problem is solved according to the invention by (a) directing infrared radiation to a tissue sample with pathologic changes caused by TSE, recording its spectral characteristics after irradiation and (b) comparing and classifying the infrared spectra thus obtained with a reference database containing infrared spectra of TSE-infected tissues and non-infected tissues.

Before the paragraph beginning at page 4, line 13, please insert the following section headings and specification paragraphs:

BRIEF DESCRIPTION OF THE DRAWINGS

Fig. 1 is a flowchart of the method according to the present invention;

Fig. 2 is, in a first example of the present invention, a chart of two typical spectra of S- and N-tissue samples;

Fig. 3 is, in a second example of the present invention, a dendrogram of a specific hierarchical spectrum classification as calculated using Ward's algorithm;

Fig. 4A is, in a third example of the present invention, a dendrogram calculated after data compression using principal component analysis; and

Fig. 4B, in the third example of the present invention, compares normed vector second derivations of sample spectra and differential spectra of normed vector S- and N-spectra.

DETAILED DESCRIPTION OF THE INVENTION

IN THE CLAIMS:

Please cancel claims 1-10 and rewrite them as new claims 11-30 as follows:

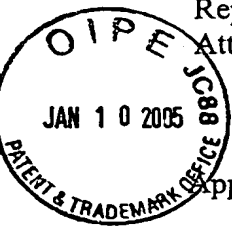
11. A method for diagnosing TSE-induced pathologic changes in tissues, said changes being caused by scrapie, BSE or another disease of the TSE group of diseases, comprising the steps of:

(a) directing infrared radiation onto a tissue sample showing pathologic changes due to TSE, and that the spectral characteristics after interaction with the sample are recorded; and

(b) comparing and classifying the infrared spectra thus obtained against a reference database that contains infrared spectra of TSE-infected and non-infected tissues.

12. The method according to claim 11, wherein said tissue sample is collected from one of the central nervous system, the peripheral nervous system and human organs.

Application No. 10/009,226
Paper Dated March 30, 2004
Reply to USPTO Correspondence of December 31, 2003
Attorney Docket No. 4521-011622



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/009,226
Applicant : Dieter NAUMANN et al.
Filed : March 6, 2002
Title : METHOD FOR DIAGNOSING
: TSE-INDUCED CHANGES IN TISSUES
: USING INFRARED SPECTROSCOPY
Group Art Unit : 1743
Examiner : Yelenag Gakh
Confirmation No. : 5569
Customer No. : 28289

AMENDMENT

MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action, dated December 31, 2003, Applicants submit the following amendments and remarks.

Amendments to the SPECIFICATION begin on page 2 of this document.

Amendments to the CLAIMS begin on page 3 of this document.

Amendments to the DRAWINGS begin on page 8 of this document.

REMARKS begin on page 9 of this paper.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on March 30, 2004

Linda C. Seger
(Name of Person Mailing Paper)

Linda C. Seger
Signature

3/30/04
Date

{W0111729.1}



Application No. 10/009,226
Paper Dated March 30, 2004
Reply to USPTO Correspondence of December 31, 2003
Attorney Docket No. 4521-011622

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

Claims 1-10 (Canceled)

1 ~~11~~. (Currently Amended) A method for diagnosing ~~TSE-induced~~ transmissible spongiform encephalopathies-induced (TSE-induced) pathologic changes in tissues, said changes being caused by scrapie, ~~BSE~~ bovine spongiform encephalopathies (BSE) or another disease of the TSE group of diseases, comprising the steps of:

(a) directing infrared radiation onto a tissue sample and recording showing ~~pathologic changes due to TSE, and that~~ the spectral characteristics after interaction with the sample ~~are recorded; and~~

(b) comparing ~~and classifying~~ the infrared spectra spectrum thus obtained against a reference database that contains infrared spectra of TSE-infected and non-infected tissues; and

(c) classifying the infrared spectrum as a spectrum obtained from TSE-infected or non-infected tissues.

2 ~~12~~. (Previously Presented) The method according to claim ~~11~~¹, wherein said tissue sample is collected from one of the central nervous system, the peripheral nervous system and human organs.